

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

PAUL LEWIS

v.

SSA, OFFICE OF GENERAL COUNSEL

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9:14-CV-31

**ORDER ADOPTING REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

The court referred this case to the Honorable Zack Hawthorn, United States Magistrate Judge, for pretrial proceedings. Pending before the court is the “Motion to Dismiss for Lack of Jurisdiction” (Doc. No. 17) filed by the Defendant, the SSA, Office of General Counsel. The court has received and considered the report and recommendation of the magistrate judge (Doc. No. 23), recommending that the court grant the motion in part. The Defendant filed timely objections. (Doc. No. 24.)

Pursuant to the Defendant’s objections, the court has conducted a de novo review of the magistrate judge’s report and recommendation based on the relevant pleadings, motions, and responses. See FED. R. CIV. P. 72(b)(3). After careful consideration, the court concludes that the magistrate judge correctly determined that the Defendant’s motion to dismiss should be granted in part, but that complete dismissal is not warranted at this time.

It is therefore **ORDERED** that the magistrate judge’s report and recommendation (Doc. No. 23) is **ADOPTED**; and the Defendant’s “Motion to Dismiss for Lack of Jurisdiction” (Doc.

No. 17) is **GRANTED IN PART**. The Plaintiff, Paul Lewis, shall have fourteen days from the date of this order to file an amended complaint.

SIGNED this 23rd day of March, 2015.

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive style with a large, stylized "M" and "S".

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE